

1 ERIC W. SWANIS, ESQ.
2 Nevada Bar No. 6840
3 GREENBERG TRAURIG, LLP
4 10845 Griffith Peak Drive, Suite 600
5 Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: swanise@gtlaw.com

6 CASEY SHPALL, ESQ.
7 *Admitted Pro Hac Vice*
8 GREENBERG TRAURIG, LLP
9 1144 15th Street, Suite 3300
Denver, Colorado 80202
Telephone: (303) 572-6500
10 Email: shpallc@gtlaw.com

11 | *Counsel for Defendants*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

ROBERT SINGER,

Plaintiff,

C. R. BARD, INCORPORATED and BARD
PERIPHERAL VASCULAR,
INCORPORATED.

Defendants.

CASE NO. 2:19-CV-1579-JCM-BNW

**ERRATA TO VERIFIED PETITION
FOR PERMISSION TO PRACTICE IN
THIS CASE ONLY BY ATTORNEY
NOT ADMITTED TO THE BAR OF
THIS COURT AND DESIGNATION OF
LOCAL COUNSEL
(CASEY SHPALL)**

22 Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively
23 “Defendants” or “Bard”) respectfully request this Court to accept this Errata to the Verified
24 Petition for Permission to Practice in This Case Only by Attorney Not Admitted to the Bar of
25 this Court and Designation of Local Counsel submitted by Casey Shpall, of the law firm
26 Greenberg Traurig LLP and located in Denver, Colorado, as counsel for Defendants.

27 Ms. Shpall filed her petition to practice *pro hac vice* (“Petition”) on October 4, 2019.
28 [Dkt. 11.] The Court granted the Petition on October 9, 2019. [Dkt. 13.] Defendants

1 respectfully request this Court to replace the Petition originally filed with the Court with the
2 corrected *pro hac vice* petition attached to this Errata as Attachment 1. The revisions to the
3 Petition include Exhibits B and C to Attachment 1.

4 This motion is necessary to comply with Local Rule 1A 11-2.

5 || DATED this 6th day of March 2020.

GREENBERG TRAURIG, LLP

By: /s/ Eric W. Swanis
ERIC W. SWANIS, ESQ.
Nevada Bar No. 6840
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135

CASEY SHPALL, ESQ.
Admitted Pro Hac Vice
GREENBERG TRAURIG, LLP
1144 15th Street, Suite 3300
Denver, Colorado 80202
Telephone: (303) 572-6500

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on **March 6, 2020**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Evelyn Escobar-Gaddi
An employee of GREENBERG TRAURIG, LLP

GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive
Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002

ATTACHMENT 1

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT SINGER,

Plaintiff(s),

vs.

C. R. BARD INCORPORATED and BARD
PERIPHERAL VASCULAR,
INCORPORATED,

Defendant(s).

Case #2:19-cv-01579-JCM-VCF

**VERIFIED PETITION FOR
PERMISSION TO PRACTICE
IN THIS CASE ONLY BY
ATTORNEY NOT ADMITTED
TO THE BAR OF THIS COURT
AND DESIGNATION OF
LOCAL COUNSEL**

FILING FEE IS \$250.00

Casey Shpall
name of petitioner)

Petitioner, respectfully represents to the Court:

1. That Petitioner is an attorney at law and a member of the law firm of

Greenberg Traurig, LLP

(firm name)

with offices at

1144 15th Street, Suite 3300

(street address)

Denver
(city)

Colorado

80202

(zip code)

303-572-6500
(area code + telephone number)

shpallc@gtlaw.com

(Email address)

2. That Petitioner has been retained personally or as a member of the law firm by

C. R. Bard, Inc., Bard Peripheral Vascular, Inc. to provide legal representation in connection with
[client(s)]

the above-entitled case now pending before this Court.

7 4. That Petitioner was admitted to practice before the following United States District
8 Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts
9 of other States on the dates indicated for each, and that Petitioner is presently a member in good
10 standing of the bars of said Courts.

	Court	Date Admitted	Bar Number
11	United States Supreme Court	January 14, 2000	
12	U.S. Court of Appeals for District of Columbia	March 13, 1981	
13	U.S. Court of Appeals for the Tenth Circuit	April 21, 1982	
14	U.S. Court of Appeals for the Ninth Circuit	December 2, 1982	
15	United States District Court, District of Colorado	October 28, 1981	
16	State of Colorado	October 26, 1981	11538
17			
18			

19 5. That there are or have been no disciplinary proceedings instituted against petitioner,
20 nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory
21 or administrative body, or any resignation or termination in order to avoid disciplinary or
22 disbarment proceedings, except as described in detail below:

None

1 6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give
2 particulars if ever denied admission):

3 No
4
5

6 7. That Petitioner is a member of good standing in the following Bar Associations.

7 None
8
9

10 8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2
11 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
---------------------	-------	--	---

14 N/A

15 See Exhibit B and Exhibit C attached hereto.

19 (If necessary, please attach a statement of additional applications)

20 9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the
21 State of Nevada with respect to the law of this state governing the conduct of attorneys to the same
22 extent as a member of the State Bar of Nevada.

23 10. Petitioner agrees to comply with the standards of professional conduct required of
24 the members of the bar of this court.

25 11. Petitioner has disclosed in writing to the client that the applicant is not admitted to
26 practice in this jurisdiction and that the client has consented to such representation.

That Petitioner respectfully prays that Petitioner be admitted to practice before this Court FOR THE PURPOSES OF THIS CASE ONLY.

STATE OF Colorado)
COUNTY OF Denver)

Petitioner's signature

Casey Shppard, Petitioner, being first duly sworn, deposes and says:

That the foregoing statements are true.

Subscribed and sworn to before me this

Notary Public or Clerk of Court

JULIE ANNE VOSS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20084003522
Y COMMISSION EXPIRES OCTOBER 3, 2020

**DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO
THE BAR OF THIS COURT AND CONSENT THERETO.**

Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner believes it to be in the best interests of the client(s) to designate Eric W. Swanis,
(name of local counsel) Attorney at Law, member of the State of Nevada and previously admitted to practice before the above-entitled Court as associate resident counsel in this action. The address and email address of said designated Nevada counsel is:

Greenberg Traurig, LLP, 10845 Griffith Peak Drive, Suite 600,
(street address)

Las Vegas, Nevada, 89135
(city) (state) (zip code)

702-792-3773, swanise@gtlaw.com
(area code + telephone number) (Email address)

1 By this designation the petitioner and undersigned party(ies) agree that this designation constitutes
2 agreement and authorization for the designated resident admitted counsel to sign stipulations
3 binding on all of us.

4

5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**

6

7 The undersigned party(ies) appoint(s) Eric W. Swanis as
8 (name of local counsel)
his/her/their Designated Resident Nevada Counsel in this case.

9

10 /s/ Greg A. Dadika
(party's signature)

11 Greg A. Dadika, Associate General Counsel, Litigation
(type or print party name, title)

12

13 (party's signature)

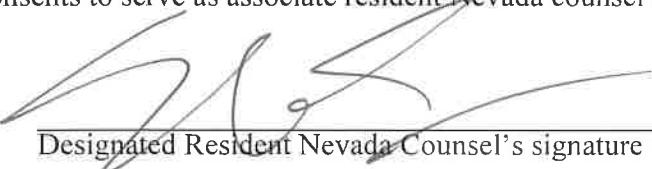
14

15 (type or print party name, title)

16

17 **CONSENT OF DESIGNEE**

18 The undersigned hereby consents to serve as associate resident Nevada counsel in this case.

19 
20 Designated Resident Nevada Counsel's signature

21 6840 swanise@gtlaw.com
Bar number Email address

22

23 APPROVED:

24 Dated: this 18th day of March, 2020.

25 
26 Dennis C. Mahan
27 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on **October 4, 2019**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service, and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

Peter C. Wetherall, Esq.
Nevada Bar No. 4414
pwetherall@wetherallgroup.com
WETHERALL GROUP, LTD.
9345 W. Sunset Road, Suite 100
Las Vegas, Nevada 89148
Telephone: (702) 838-8500
Facsimile: (702) 837-5081
Counsel for Plaintiff

/s/ Evelyn Escobar-Gaddi
An employee of GREENBERG
TRAURIG, LLP

EXHIBIT A



Certificate of Good Standing and No Disciplinary History

United States District Court
District of Colorado

I, Jeffrey P. Colwell, Clerk of the United States District Court
DO HEREBY CERTIFY

CASEY ANN SHPALL

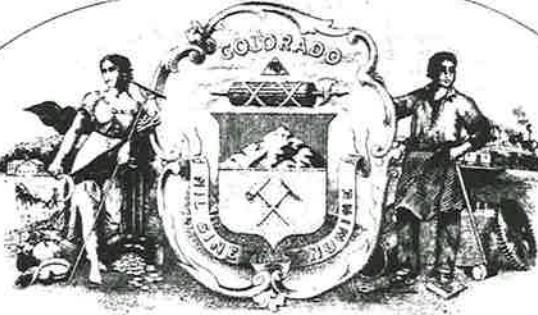
was admitted to practice in this court on
October 28, 1981
and is in good standing with no disciplinary history.

Dated: September 24, 2019

Jeffrey P. Colwell

Jeffrey P. Colwell, Clerk

SUPREME COURT



State of Colorado,

STATE OF COLORADO, ss:

I, Cheryl Stevens Clerk of the Supreme Court of the State of Colorado, do hereby certify that

CASEY SHPALL

has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the 26th

day of October A. D. 1981 and that at the date hereof the said CASEY SHPALL

is in good standing at this Bar.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

27th day of September A. D. 2019

Cheryl Stevens

Clerk

By Jacqueline Part
Deputy Clerk



EXHIBIT B

EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
Casey Shpall's Concurrently Filed
Petitions for Permission to Practice in This Case Only by
Attorney Not Admitted to the Bar of This Court

CASE NAME/STATUS	CASE #	DATE FILED/GRANTED [DOC NO.]
Giambra v. C. R. Bard, Inc., et al./ Active	2:19-cv-01580-APG-BNW	Filed 10/4/19 [16]; Granted 10/7/19 [18]
Hammes v. C. R. Bard, Inc., et al./ Stipulation for Dismissal Pending	2:19-cv-01588-RFB -BNW	Filed 10/4/19 [15]; Granted 10/9/19 [17]
Perry v. C. R. Bard, Inc., et al./ Active	2:19-cv-01570-APG-BNW	Filed 10/4/19 [15]; Granted 10/7/19 [18]
Rogers v. C. R. Bard, Inc., et al./ Active	2:19-cv-01581-APG-BNW	Filed 10/4/19 [14]; Granted 10/7/19 [17]
Singer v. C. R. Bard, Inc., et al./ Active	2:19-cv-01579-JCM-BNW	Filed 10/4/19 [11]; Granted 10/9/19 [13]
Smith v. C. R. Bard, Inc., et al./ Stipulation for Dismissal Pending	2:19-cv-01576-RFB-BNW	Filed 10/4/19 [13]; Granted 10/31/19 [18]
Torres v. C. R. Bard, Inc., et al./ Active	2:19-cv-01582-KJD-BNW	Filed 10/4/19 [14]; Granted 11/13/19 [19]

EXHIBIT C

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

ROBERT SINGER,

Plaintiff.

V.

C. R. BARD, INCORPORATED and BARD
PERIPHERAL VASCULAR,
INCORPORATED,

Defendants

CASE NO. 2:19-cv-01579-JCM-BNW

**AFFIDAVIT IN SUPPORT OF
VERIFIED PETITION FOR
PERMISSION TO PRACTICE IN THIS
CASE ONLY BY ATTORNEY NOT
ADMITTED TO THE BAR OF THIS
COURT AND DESIGNATION OF
LOCAL COUNSEL**

STATE OF COLORADO)

ss:

COUNTY OF DENVER)

I, CASEY SHPALL, being first duly sworn upon my oath, depose and state as follows:

1. I file this Affidavit pursuant to Local Rule IA 11-2(h)(2). I am an attorney with the law firm of Greenberg Traurig, LLP (“GT”). GT was retained by Defendants, R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively “Defendants” or “Bard”) to provide them legal representation for the many cases remanded to this District, and hundreds of others remanded in other states, from the Multi-District Litigation proceeding styled *In re: Bard IVC Filter Litigation*, No. 2:15-MD-02641-DGC, pending before Senior Judge David Campbell of the District of Arizona (the “MDL”).

To date, there have been two rounds of remands from the District of Arizona MDL to the District of Nevada. In the first round of remands on August 20, 2019, fourteen (14) cases were remanded to this District. In the second round of remands on October 17, 2019, ten (10) cases were remanded to this District. The above-captioned case was in the first round of

1 remands to this District. *See Suggestion of Remand and Transfer Order* (Dkt. 3.) More
2 remands are expected in the future.

3 2. I am a member in good standing of the State Bar of Colorado, where I regularly
4 practice law. I am also admitted to practice before the United States District Court for the
5 District of Colorado, several U.S. Circuit Courts of Appeal, and the U.S. Supreme Court. *See*
6 Verified Petition, No. 4.

7 3. I am co-counsel in this action and several of the other MDL remands to this
8 Court with Eric W. Swanis, who is a member of the State Bar of Nevada and a GT shareholder
9 who resides and practices law in Nevada. *See* Verified Petition, Exhibit B.

10 4. Due to the number and timing of these remands, I inadvertently neglected to
11 identify in No. 8 of my Verified Petition the other MDL remand cases in which I had
12 previously or simultaneously filed applications to practice *pro hac vice* before this Court. I
13 have now corrected the Verified Petition to identify all actions in which I have filed
14 applications to appear as counsel under Local Rule IA 11-2(b)(7) during the past three years.
15 *See* Verified Petition, Exhibit B.

16 5. My firm has extensive experience in medical device products liability actions
17 and represents Bard in remands of IVC filter litigation across the country. I also have had
18 extensive interactions with client representatives concerning the facts underlying this matter
19 and am familiar with the facts and client-specific legal strategies pertinent to this litigation.

20 6. The granting of my Verified Petition serves the ends of justice by ensuring that
21 the interests of Bard are thoroughly represented by the persons most knowledgeable about the
22 litigation.

23 7. I therefore submit this Affidavit to establish special circumstances and good
24 cause to permit Bard to be defended in this matter by its counsel of choice. In my judgment,
25 Bard would be deprived of these benefits if I were unable to represent it in this litigation.

26

27

28

1 8. For all foregoing reasons, there are special circumstances and good cause that warrant
2 the granting of my Verified Petition.

3 FURTHER YOUR AFFIANT SAYETH NAUGHT.

4 DATED this 3rd day of March 2020.

5 
6 CASEY SHPALL, ESQ.

7 SUBSCRIBED AND SWORN to before me this

8 3rd day of March, 2020.

9 
10 Notary Public or Clerk of Court

